

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOHNATHON C. LARGE,)
)
Plaintiff,)
)
v.) Case No. CIV-05-1151-L
)
OKLAHOMA DEPARTMENT OF)
CORRECTIONS,)
)
Defendant.)

ORDER

This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Doyle W. Argo on November 30, 2005. Plaintiff, a prisoner appearing *pro se*, brings this action pursuant to 42 U.S.C. §1983 alleging a violation of his constitutional rights. The Magistrate Judge recommended that this action be dismissed without prejudice to refiling because plaintiff has neither paid the partial filing fee as ordered by the court nor shown good cause for such failure.

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limits provided. Therefore, upon *de novo* review, and for the reasons expressed by the Magistrate Judge, the court finds that the Report and Recommendation of the Magistrate Judge should be

and is hereby adopted in its entirety. Accordingly, this action is **DISMISSED**
WITHOUT PREJUDICE for plaintiff's failure to pay the filing fee.

It is so ordered this 28th day of December, 2005.

Tim Leonard
TIM LEONARD
United States District Judge